

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLYDE MASON,

Plaintiff,

v.

**BRANDYWINE CONSTRUCTION AND
MANAGEMENT, INC., and
SOUTH BANK STREET PROPERTIES,
L.P.,**

Defendants.

CIVIL ACTION

NO. 15-6635

ORDER

AND NOW, this 27th day of March, 2017, upon consideration of defendants' Motion for Summary Judgment (Document No. 20, filed Nov. 17, 2016);¹ Plaintiff Clyde Mason's Answer to Defendants' Motion for Summary Judgment (Document No. 21, filed Nov. 23, 2016); Reply in Support of Defendants Brandywine Construction and Management, Inc. and South Bank Street Properties, L.P.'s Motion for Summary Judgment (Document No. 24, filed Dec. 2, 2016); Plaintiff Clyde Mason's Surreply to Defendants' Motion for Summary Judgment (Document No. 28, filed Dec. 14, 2016); and defendants' Response in Support of the Motion for Summary Judgment (Document No 31, filed Dec. 23, 2016), for the reasons set forth in the accompanying Memorandum dated March 27, 2017, **IT IS ORDERED** that defendants' Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendants' Motion that seeks summary judgment on plaintiff Clyde Mason's negligence claim based on defendants' failure to pretreat the sidewalk prior to the rain and/or freezing rain on January 18, 2015, is **GRANTED**; and

¹ Defendants filed a Brief in Support of Defendants Brandywine Construction and Management, Inc. and South Bank Street Properties, L.P.'s Motion for Summary Judgment but did not file an actual Motion for Summary Judgment. Defendants' Brief states in the second paragraph that defendants "move now for the entry of summary judgment." The Court construes the Brief as a Motion for Summary Judgment.

2. Defendants' Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a telephone conference for the purpose of scheduling further proceedings will be conducted in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.